

REMARKS

Applicant amended claim 54 and added new claims 79-103 to further define Applicant's claimed invention.

In the Office Action, the Examiner objected to the Abstract of the Disclosure.

Applicant amended the Abstract to delete phrases that could be implied and to reduce the number of words to less than 150. It is submitted that the objection to the disclosure has been overcome.

The Examiner rejected claims 54-78 under 35 U.S.C. § 103(a) as being unpatentable over Michelson (U.S. Patent 5,015,247) in view of Jefferies (U.S. Patent 4,394,370), Ripamonti (U.S. Patent 5,769,895) and Urist (U.S. Patent 4,526,909).

Applicant amended claim 54 to recite that the trailing end has "a rear wall between said upper and lower portions, said rear wall being integrally formed with said upper and lower portions of said implant." Newly added claim 79 recites that the trailing end of the implant is "adapted so as to be connectable to another interbody spinal implant having a trailing end adapted to be connected to said interbody spinal fusion implant."

Independent claims 54 and 79 both recite that the bone morphogenetic protein is "in at least a portion of said hollow interior to promote bone growth from adjacent vertebral body to adjacent vertebral body through said implant" and includes "a fusion promoting material other than bone and other than bone morphogenetic protein, said fusion promoting material being in at least a portion of said hollow interior to promote bone growth from adjacent vertebral body to adjacent vertebral body through said implant."

No such structure is taught or suggested by Michelson, Jefferies, Ripamonti, and Urist, either alone or when properly combined. Applicant submits that independent

claims 54 and 79 as now submitted overcome the Examiner's rejections and are allowable over the art cited by the Examiner. It is submitted that dependent claims 55-78 and 80-103 are allowable at least due to their dependency from allowable claims 54 and 79, respectively, or claims dependent therefrom.

In view of the foregoing amendments and remarks, Applicant respectfully requests the reconsideration and reexamination of this application and the timely allowance of the pending claims.

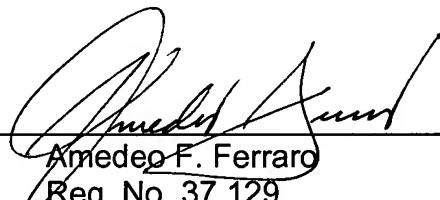
Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 50-1066.

Respectfully submitted,

MARTIN & FERRARO, LLP

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